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HUMAN RIGHTS COMMITTEE

Forty-second session

SUMMARY RECORD OF THE 1078th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 July 1991, at 3 p.m.

Chairman: Mr. POCAR

later: Mr. AGUILAR URBINA

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Jordan (CCPR/C/46/Add.4) (continued)

1. The CHAIRMAN invited the delegation of Jordan to continue its replies to the questions asked in the list of issues, beginning with section III.

III. Non-discrimination and equality of the sexes (articles 2 (1), 3 and 26)

(a) Please provide examples of any laws or regulations specifically prohibiting discrimination and providing appropriate penalties.

(b) Please comment on whether special difficulties are being encountered in ensuring respect for equality between men and women. Are there any specific remedies available to a woman who claims to have been a victim of discrimination? In this connection, have there been any cases where relief has been sought and, if so, with what results?

(c) Please clarify the basis for the different treatment under Jordanian law of men and women in respect of their capacity to transmit Jordanian nationality to children born outside the country (see paragraph 10 of the report).

(d) Please provide current data on the number of women in public office, the liberal professions, senior ranks of the civil service and in private business. Please also provide recent data on the proportion of women receiving primary, secondary and higher education.

(e) In which respect are the rights of aliens restricted as compared with those of citizens?

2. Mr. HAMMAD (Jordan) said that Jordanian law clearly stated that Jordanians were equal before the law without discrimination on the grounds of sex. National legislation did not grant children born of Jordanian women abroad Jordanian nationality except through naturalization upon request, one of the reasons being to avoid the risk of conflicting national service obligations which might be imposed upon individuals, thus leading to difficulties between Jordan and other countries of the region.

3. Concerning article 46 of Jordanian Labour Act No. 21 which prohibited women from working in dangerous occupations, he pointed out that such legislation was if anything to be considered discriminatory in the interests of, rather than against, women.

4. Concerning family law and equality between men and women in relation to succession and inheritance, marriage and divorce, matters of civil status were subject to the jurisdiction of religious tribunals in accordance with the beliefs of the individual.

5. Concerning teaching and education, provisional Education Act No. 27 had been introduced under exceptional circumstances; it would continue to be provisional unless and until it was adopted by the National Assembly. Legislation on education and freedom of expression did not discriminate between men and women.

IV. Right to life (article 6)

(a) Have any further executions been carried out since the submission of the report?

(b) Please clarify how the right of persons sentenced to death to seek pardon or commutation of the sentence, pursuant to article 6, paragraph 4 of the Covenant, is ensured. Given that a military court can pass sentence of death which is not subject to review and is enforceable forthwith, in what way can the person sentenced become eligible for a special pardon? (See paragraphs 28 and 29 of the report.)

(c) What rules and regulations govern the use of firearms by the police? Have there been any violations of these rules and regulations and, if so, what measures have been taken to prevent their recurrence?

(d) How is the provision in article 17, paragraph 2, of the Penal Code, stipulating that the death penalty shall be commuted to hard labour for life in the case of pregnant women (paragraph 34 of the report), to be understood in relation to the statement in paragraph 36 of the report that a pregnant woman cannot be executed until three months after her delivery?

6. Mr. HAMMAD (Jordan), referring to the first two questions, said that five persons had been tried, convicted and sentenced to death under Jordanian legislation. The cases in question included the premeditated murder of close relatives. Persons sentenced to death could be pardoned by the King.

7. Concerning question (c), Public Order Act No. 33 of 1965 provided that, where arms were used in cases involving security agents, the offenders were tried by special police tribunals.

8. Concerning question (d), he said that the death penalty was never applied in the case of pregnant women but was commuted to hard labour for life. The statement in paragaraph 36 of the report that a pregnant woman could not be executed until three months after her delivery was inaccurate.

9. Mr. ANDO, referring to paragraph 25 of the report and particularly to article 136 of the Jordanian Penal Code, which stated that the death penalty should be imposed on any person attempting to change the Constitution by unlawful means, said that the term "unlawful means" was not very precise and might affect, for example, freedom of expression. A loose interpretation of the words might mean that criticism of a Government policy or a provision of the Constitution could be taken to constitute unlawful means. Referring to article 138 of the Penal Code, which was quoted in the same paragraph of the report, he said that, again, a loose interpretation might mean, for example, that an attempt to escape arrest could be held to be an attempt to prevent the authorities from exercising their functions, which was a capital offence.

Further, referring to article 328 of the Penal Code, and in particular to the clause providing that the death penalty should be applicable if the victim of the crime was one of the perpetrator's ascendants, and noting that a similar clause existed also in Japanese penal law, he wondered whether such a provision did not run counter to the requirement of non-discrimination as it appeared to mean that the death penalty was to be applied automatically in such cases of murder, particularly as there seemed to be no possibility of commuting the sentence. Lastly, referring to paragraph 27 of the report, it was his understanding that martial law was no longer in force; he wondered whether the addition of another category of crime punishable by the death penalty, albeit introduced under the state of emergency, did not run counter to the principle that a crime should be tried in accordance with the provisions of law in force at the time it was committed. He asked whether the provision had retroactive effect.

10. Mrs. HIGGINS, bearing in mind that martial law had been "frozen" in its application since 1989 and that martial law directives had been abrogated in July 1991, asked whether any sentence had been passed by the martial law courts during that period. She understood that five executions had been carried out in the current year on the basis of sentences by the martial law courts; she asked on what basis that could be done if martial law had been "frozen" since 1989 and whether the executions had taken place in reference to sentences which had been passed prior to that date.

11. Considering article 6 (4) of the Covenant in conjunction with article 14 (5) - concerning the right to seek pardon or commutation and the right to have a conviction and sentence reviewed by a higher tribunal, respectively - it seemed that there was no procedure in Jordan by which to have a death sentence reviewed by a higher tribunal, although there was a possibility of seeking pardon. In the light of that situation, it was particularly disturbing that there were some five persons currently under sentence of death on the basis of the martial court's findings. Given the absence of remedies under article 14 and the fact that the persons concerned would be executed after the martial law directives had been abrogated, she wondered whether it was really appropriate that those death sentences should be carried out. In that respect, the Government, in its desire to move forward on human rights, might wish to review the implications of such decisions.

12. Mr. FODOR observed that, while the Covenant did not prohibit capital punishment, it limited its application to the most serious crimes. The Jordanian Penal Code provided for the death penalty for a group of offences, which in his opinion seemed to be too broad. He asked in that context whether abrogation of martial law had affected that broad range of offences carrying the death penalty.

13. It seemed that the death penalty was mandatory for certain offences, with only one exception under article 99 of the Penal Code, which stated that if mitigating circumstances were established in a particular case the court might commute the death penalty to hard labour for life. It would seem in that respect that hard labour for life might also be an excessively severe punishment. He asked whether the court had any opportunity to weigh the guilt

of the perpetrator of a serious offence and propose a proportionate punishment. There might be different degrees of participation in a serious offence, for example, and the death penalty or hard labour for life might be excessive for some degrees of participation.

14. Mr. WENNERGREN, referring to paragraph 25 (d) of the report, noted that the death penalty could be imposed in the case of criminal conspiracy and illegal association; he asked whether the latter was related to the previous prohibition of political parties or whether there were other forms of association which were illegal.

15. Mr. MYULLERSON requested additional information concerning paragraph 27 of the report, as the offences referred to in that paragraph seemed to be formulated in very broad terms, particularly in the case of subparagraph (d) concerning banned or unauthorized parties, bearing in mind the provisions of article 6 (2) of the Covenant. Referring also to article 14 (5) of the Covenant, he asked whether there had been any changes in that respect since the state of emergency had been abrogated. He further inquired about the status of the five persons who had been sentenced to death in March 1990.

16. Mr. SERRANO CALDERA shared the concerns of previous speakers in relation to the application of the death penalty. He was particularly disturbed about those cases where the death penalty had been imposed by a military court, in view of the fact that such sentences were not subject to review. In that respect he referred to paragraphs 27 and 28 of the report and noted that the military court comprised what was in effect a special tribunal. He asked whether the provisions referred to in that part of the report were permanent or of a provisional nature in response to specific circumstances, and whether the Government might envisage their review in the near future.

17. Mr. HAMMAD (Jordan), noting that most questions referred to the death penalty and the manner in which it was imposed and carried out, recalled that that penalty had been imposed on persons who had committed specific crimes for which death was the punishment under the Penal Code. In that respect it should be borne in mind that the judiciary was completely independent and that there was no external intervention in respect of the application of the law. The five cases to which reference had been made concerned a military pilot who had committed espionage against the interests of Jordan, a military officer who had murdered his superior with premeditation, a drug dealer who had murdered a police officer with premeditation, and two other cases of murder with premeditation. In respect of the courts, as he had already stated, the martial law directives had been abrogated and no further cases would be referred to those courts. He further drew attention to the cases of politically motivated persons, suspected of plotting against the King, who had been released and subsequently allowed to continue to take part in the political life of the country.

18. He concurred with Mr. Ando that the gravity of different acts of homicide could be viewed, and the crime punished, differently in different countries, according to their customs and beliefs. In Jordan, the wilful or premeditated murder of a relative was regarded as a particularly heinous capital crime.

19. While he personally favoured abolition of the death penalty, he considered that the checks and controls which surrounded its imposition in Jordan were comparable to those in other countries where it had not been abolished. He added that the possibility of petitioning the King for a special pardon existed for all those sentenced to death, except when their crime had endangered the security of the State.

20. No penalties whatsoever were imposed for the holding of political beliefs.

V. Liberty and security of the person (articles 9 and 11)

(a) What is the maximum period of pre-trial detention in law and practice?

(b) In what cases, apart from espionage, can a person be kept in solitary confinement? Does this exclude visits from the detainee's lawyer?

(c) What are the criteria for declaring that a person is suffering from a mental disorder that might induce him to disturb public order? What authority is responsible for making such a declaration and what remedies has the person?

(d) With reference to paragraph 41 of the report, please clarify:

(i) whether the denial of the possibility of appeal against the lawfulness of the arrest of persons accused of certain crimes, such as murder, is in conformity with article 9, paragraph 4 of the Covenant, and

(ii) how, in view of the statement that the Government cannot be sued for damages arising from unlawful arrest, the enforceable right to compensation provided for in article 9, paragraph 5 of the Covenant is ensured.

(e) How soon after arrest can a person contact a lawyer and how quickly after arrest is a person's family informed?

21. Mr. HAMMAD (Jordan) said that the maximum period of pre-trial detention was normally five days.

22. Solitary confinement was only imposed in cases of espionage or where the person concerned constituted a danger to the security of the State or of other persons.

23. Commissions of medical specialists were responsible for determining whether a person was suffering from a mental disorder that might induce him to disturb public order.

24. Nothing in law prevented citizens from suing for damages as a result of unlawful arrest, or from obtaining compensation.

25. Except in the case of espionage, all accused persons and detainees could contact a lawyer or members of their family after arrest.

26. Mr. ANDO, drawing attention to the statements in paragraphs 40, 50 and 51 of the report concerning the arrest of persons suffering from mental disorders, remarked that under the conditions of a state of emergency the procedure described might well be abused, as a means of removing certain people from circulation; and asked what guarantees the law offered against such abuses. Was any form of legal aid available to persons so arrested and placed in institutions; what legal or medical supervision was exercised in the case of such detention; was there any possibility of appeal against certification; and could persons placed in institutions on grounds of mental disturbance or insanity who were subsequently proved not to be so afflicted claim compensation for their detention?

27. Miss CHANET, recalling that the provisions of article 9 of the Covenant were deemed to apply to administrative detention as well as detention on a criminal charge, asked the Jordanian representative to provide information concerning administrative detention in his country.

28. Mr. FODOR noted that under article 107 of the Jordanian Penal Code, every detainee or prisoner had the right to complain at any time to the warden of the prison. In the Committee's experience such complaints were usually directed against the behaviour of the prison authorities themselves, and he therefore asked whether any other channels were available. Was it possible for independent visitors to receive complaints in places of detention?

29. He asked for clarification of the terms of article 233 (1) of the Code, as set out in paragraph 51 of the report, and particularly of what he found to be the disturbing implication that a person could be convicted and at the same time not declared to be criminally responsible for his acts.

30. Mr. WENNERGREN said it was his understanding that administrative detention had been practised on the basis of the former Defence Act and martial law provisions, presumably as a means of temporarily immobilizing persons considered to be a danger to the security of the State. But it was also his understanding that such detention without trial had been liable to last a long time, and that persons detained had been subjected to restrictions as far as contacts with relatives or lawyers were concerned. He requested additional information on that matter, and asked whether the new legislation being prepared would provide for the detention of persons considered to be dangerous or for the restriction of their freedom of movement by confining them within specific areas.

31. Mrs. HIGGINS said she hoped that she had been mistaken in understanding the Jordanian representative to say that persons detained in cases of espionage, being considered dangerous criminals, were denied visits from their lawyer. It was obviously at such moments, before they were charged and brought to trial, and indeed before they could legally be considered as criminals, that persons in those circumstances needed to have access to their lawyers.

32. As she saw it, provisions for so-called administrative detention, without access to a lawyer, were to be found in the former Defence Act, in the martial law arrangements and in the 1954 Law on the Prevention of Offences. Was she right in believing that under the new legislation that was being prepared,

virtually the same provisions would be retained, subject only to the addition of arrangements for judicial review which - she feared - would not make a great deal of difference?

33. Mr. MYULLERSON also sought clarification of the offences that justified, and procedures that governed, administrative detention.

34. He would like to learn more about the legal procedures adopted with regard to mentally disturbed persons who were considered to be a danger to others but who had committed no crime or offence. How could they be committed to an institution, and by what social, medical or other authorities were their cases kept under review?

35. Lastly, he asked for an explanation of the legal and practical aspects of restriction of freedom of movement.

36. Mr. HAMMAD (Jordan) reiterated that cases involving persons who were mentally ill were considered by a commission of medical specialists; if a crime had been committed, a lawyer was appointed and the responsibility of the person involved for his acts was investigated. When no crime or offence had been committed, the matter was a delicate one to resolve: only a few days previously a mentally ill person had discharged himself from the institution where he was receiving treatment, had returned to his home and been certified as not being a danger to other persons, and then had committed a violent murder during a moment of mental aberration. Such cases called for close collaboration between the medical and legal professions.

37. Administrative detention was reserved for very special circumstances, for example when there was a perceived danger to others: thus, when a murder had been committed, persons likely to engage in acts of vengeance could be taken into preventive custody for a period not exceeding five days. House arrest, the restriction of freedom of movement, or preventive detention could also occur when information had been received concerning the preparation of a crime.

38. Concerning the treatment of prisoners, he said that a committee existed to protect their interests, to inspect detention centres and hear complaints; officials of the Public Prosecutor's Office and representatives of the Chamber of Deputies, as well as delegates from bodies such as Amnesty International, all enjoyed every possibility of reassuring themselves with regard to the conditions under which persons were held and detained.

39. As a matter of clarification, he pointed out that the draft Law on State Security had been examined by the Chamber of Deputies and was currently before the Senate; he was sure that legislation that was in the best interests of the country would be adopted.

40. Mr. WENNERGREN, recalling his earlier remarks, said that if, at present, preventive detention was limited to a period of five days, the Committee had ample information that persons had, in the past, been held without charge or trial for periods amounting to years. A certain number had been released in February 1989; another group, released in December of that year, had - he understood - been described as "political detainees". Under what law had they been held?

41. Mr. HAMMAD (Jordan) stated that, at the present time, there were no political detainees in Jordan. Some 21 persons had been duly tried and sentenced to imprisonment. It was true, however, that administrative detention had been used in the past to protect the interests and security of the State. More specifically, a number of persons had been detained under martial law provisions when the country had been going through a period of particular troubles; with the repeal of those provisions, they had been released: it was no doubt to those persons that Mr. Wennergren had referred.

42. Mrs. HIGGINS said that she was in no doubt as to the present situation. She was, however, extremely anxious to be reassured that with the ending of martial law and the enactment of new legislation it would not again be possible for persons to be detained indefinitely without trial.

43. Mr. HAMMAD (Jordan) reiterated that the new legislation had not yet been adopted and promulgated; obviously, he could not prejudge provisions that remained to be finalized. All he could say at present was that the detention which had occurred in the past was now impossible because martial law had been abolished. Political affiliation was no longer a cause for accusation.

VI. Treatment of prisoners and other detainees (articles 7 and 10)

(a) Please provide information on any complaints received about ill-treatment of detainees. What measures have been taken to investigate complaints and punish those found guilty?

(b) Are there any restrictions placed on the rights of prisoners to receive visits and to maintain contacts with the outside world?

(c) Please provide information on the conditions and duration of solitary confinement.

(d) To what extent are the United Nations Standard Minimum Rules for the Treatment of Prisoners complied with?

44. Mr. HAMMAD (Jordan) said that a high-level committee had visited prisons and found no evidence of torture or ill-treatment. There were no legal restrictions on prisoners' visits, except where espionage and mental instability were involved. No discrimination was practised in regard to detention in particular centres.

45. Mr. Aguilar Urbina took the Chair.

46. Miss CHANET asked whether corporal punishment was prohibited under the new law which, it had been claimed, complied with United Nations rules and regulations. What provision was made for the rehabilitation and retraining of prisoners and what type of work was done? Several non-governmental organizations, especially Amnesty International, had been greatly concerned by reports of disorderly acts in prisons and by the large numbers of cells earmarked for interrogation. It would be of interest to the Committee to know the procedure adopted for the submission of complaints in prisons.

47. Mr. WENNERGREN said that there had been reports that corporal punishment was still being inflicted on prisoners. Was that true?

48. Mr. HAMMAD (Jordan) said that the Government, pursuing the path of reform, now referred to prisons as rehabilitation or correction centres, where the emphasis was on activities and training which would be of use to prisoners after their release, such as agriculture and animal husbandry. Another measure applied was to allow prisoners to visit their families while serving their sentence, so as to prepare the way for their reintegration into society. At the same time capital punishment had been abolished and, after the freezing of martial law, no persons had been detained on political grounds.

49. Mr. WENNERGREN said that he would like to hear something about the system of discipline in the new-style prisons, since without some form of disciplinary measures it was no more possible to run a correction centre than a prison.

50. Mr. HAMMAD (Jordan) said that the release of detainees had enabled the Government to concentrate on the rehabilitation of prison populations. Nevertheless, discipline signified compliance with the rules of the institution to which a person belonged. When the aim of complete freedom to receive visits had been achieved, withdrawal of that privilege could be used to compel non-cooperators to fall into line. However that might be, no aggressive behaviour by prisoners had been reported under the new regime. If of course a prisoner committed an offence, he would be tried by the courts in the same way as if he were a free man.

VII. Right to a fair trial (article 14)

(a) Please provide information on the relevant provisions of law governing the appointment and dismissal of judges by royal decree (paragraph 63 of the report).

(b) Please comment on the procedures applied in the military courts in the light of the guarantees laid down in article 14 of the Covenant, particularly in relation to the right of appeal.

(c) Please clarify the grounds for prohibiting certain categories of persons from attending criminal trials (see paragraph 65 of the report).

(d) Please provide information on schemes for legal aid and assistance as well as on the organization of the legal profession.

51. Mr. HAMMAD (Jordan) said that applicants for the post of judge sat a competitive examination and properly qualified candidates were appointed in the same way as in other services. Judges of the Supreme Court, who were highly qualified and experienced lawyers, could not be dismissed by the Executive. They were obliged to retire at the age of 72 or could retire voluntarily at an earlier date. They could be brought before the Supreme Council of Judges on disciplinary grounds in the event of serious misconduct. Martial law courts were provisional organs of justice which had been dismantled after the abrogation of martial law. Prisoners were entitled to sue for pardon to the Military Governor-General or to the King. The courts were responsible for appointing a defence lawyer in cases where the prisoner was not represented. Court sentences were open to review by higher courts in the normal way.

52. Mr. FODOR said that paragraph 41 of the report stated that the Government could not be sued for damages arising out of unlawful arrest. Was there in fact no provision for the victim of a miscarriage of justice to obtain compensation in accordance with article 14 (6) of the Covenant?

53. Mr. HAMMAD (Jordan) said that all persons had the right to seek redress for damage sustained. That principle was enshrined in article 11 of the Constitution and was also referred to in the Code of Civil Procedure. According to article 125 of the Constitution, any person taking a legal decision (even under martial law) was held to be responsible for the consequences of his act.

54. Mr. SERRANO CALDERA said that he, too, was concerned about the question of compensation for illegal detention. There was also the point that illegal detention could be held to start at the time when the person was taken in charge by the security forces, i.e. before any detention order was in force. It was clear from paragraph 41 of the report that no compensation was payable in respect of legal detention, but if a de jure or de facto error was found to have occurred, then it would appear that the victim was entitled to compensation under article 14 (6) of the Covenant. He would also be grateful for more information on the procedure for the removal of judges. Did the commission responsible for the appointment and removal of judges act on its own discretion or on some statutory basis?

55. Mr. HAMMAD (Jordan) repeated that article 125 of the Constitution made it absolutely clear that any person taking a legal decision was responsible for the consequences of his decision and could accordingly be sued for damages. Nevertheless, he himself had never heard of that happening. With regard to the removal of judges, the Law on the Independence of the Judiciary governed the establishment of the commission and laid down the rules under which it operated.

56. Miss CHANET asked whether Jordan was planning to accede to the Convention against Torture.

57. Mr. HAMMAD (Jordan) said that he was glad to announce his country's intention to accede to the Convention against Torture. In any case torture was a punishable offence under Jordanian law. All necessary legal steps would accordingly be taken if a case of torture was found to have occurred.

VIII. Freedom of movement and expulsion of aliens (articles 12 and 13)

(a) Please provide information on the law and practice with regard to freedom of movement in Jordan.

(b) Please provide information on possibilities of appeal against expulsion and provisional detention. Would such appeals have suspensive effect?

58. Mr. HAMMAD (Jordan) said that, in spite of extremely difficult and exacting circumstances, Jordan had permitted very large numbers of aliens to enter and leave the country on the basis of, and occasionally going well

beyond, the principle of reciprocity. Under the law, any alien was entitled to appeal against an expulsion order. An expelled person was even entitled to seek redress while present on foreign soil.

59. Mr. MYULLERSON said that, according to paragraph 56 of the report, foreigners residing in Jordan enjoyed the privileges and immunities specified in articles 29 and 30 of Act No. 24. Did that apply to diplomats in Jordan? In regard to the employment of foreigners, he wondered whether there was a contradiction between the statement in paragraph 62 of the report that foreigners in Jordan were treated on a footing of equality with local citizens and enjoyed the same rights as Jordanians (with the exception of political rights) and the quotation from the Jordanian Labour Act in paragraph 61 (a) to the effect that "An employer must not employ a foreign worker unless he requires a level of experience or skill that Jordanian workers do not possess and provided that: (i) Arab professionals or experts are accorded precedence over similarly qualified foreigners".

60. Mr. Pocar resumed the Chair.

61. Mr. HAMMAD (Jordan) said that Jordan was ready and willing to extend all facilities to foreigners and, during the Gulf crisis, had demonstrated that willingness by welcoming over 1 million refugees from Iraq and Kuwait, to whom extended visas had been granted and for whom humanitarian facilities had been provided. In regard to the precedence accorded to the employment of Arab professionals and experts (para. 61 of the report), Jordan was a member of the Arab League and as such was bound to accord such precedence to the nationals of other States members of the League.

IX. Right to privacy (article 17)

Please elaborate on the circumstances prescribed by law in which postal and telegraphic correspondence and telephone communications my be seized or censored and on their compatibility with article 17 of the Covenant (paragraph 71 of the report).

62. Mr. HAMMAD (Jordan) said that telephone conversations could be monitored and postal and telegraphic correspondence seized only where the public prosecutor considered it necessary to do so for the purpose of investigating a crime.

63. Mr. ANDO, referring to the statement in paragraph 79 of the report that "Any police officer may enter and search any house or premises without a warrant under the following circumstances: (i) If he has cause to believe that an offence is being committed, or has recently been committed, in the premises", said that in his opinion the provision gave the police unduly broad powers, which could lead to abuse.

64. Mr. WENNERGREN said, with regard to paragraph 78 of the report, that he would like to know whether there was any judicial control over the actions of the public prosecutor. He would also welcome information on whether the police were permitted to use secret microphones in surveillance operations.

65. Mrs. HIGGINS, referring to articles 188-190 of the Jordanian Penal Code of 1960 reproduced in paragraph 72 of the report, asked whether many people were brought before the courts for the offences in question or whether they were merely incorporated in the law but not of very great importance.

66. Mr. HAMMAD (Jordan) said, with regard to the questions raised by Mr. Wennergren, that the public prosecutor could exercise the powers referred to in paragraph 78 of the report only if a crime had been committed and he was carrying out an investigation to gather evidence for use in court. Telephone conversations could be monitored only if permission to do so had been given by a competent body.

67. With respect to paragraph 72 of the report, he said that every society had its own culture and beliefs. A person whose dignity had been attacked could bring the matter before the courts and request compensation.

X. Freedom of thought, conscience and religion (article 18)

Please provide information on the law and practice relating to freedom of thought, conscience and religion, including information on: (i) religious communities active in Jordan and their organization; (ii) applicability of Shar'ia to believers other than Muslim; (iii) religious education.

68. Mr. HAMMAD (Jordan) said that freedom of religion was guaranteed to all citizens in his country. All questions relating to religion were dealt with by religious courts. The religious communities were free to carry out their own activities and the Muslim Shar'ia was not imposed on other groups. Religious communities were entitled to have their own schools.

69. In response to a question put by Mr. WENNERGREN, Mr. HAMMAD (Jordan) said that before 1989, certain publications had been banned following the proclamation of the state of emergency since it was considered that they could have harmed the interests of the country.

XI. Freedom of opinion and expression: prohibition of propaganda for war and of incitement to national, racial or religious hatred (articles 19 and 20)

(a) What limits are imposed by law to article 15 of the Constitution? In particular, please clarify the reference, in article 15 of the Constitution, to exercise of control "over the sources of income of newspapers" (see paragraph 81 of the report).

(b) Have there been any cases of arrest and detention for expression of political views?

(c) Is the Repression of Communism Act, No. 31 of 1953, still in force (paragraph 27 of the report)? What effects has it had on the enjoyment of the rights set forth in article 19 of the Covenant?

70. Mr. HAMMAD (Jordan) said with regard to subsection (a), that censorship had been imposed during the state of emergency.

71. With respect to subsection (b), there had been no cases of persons being arrested or detained for the expression of political views.

72. As to subsection (c), he reaffirmed his Government's commitment to the rights set forth in article 19 of the Covenant.

73. Mrs. HIGGINS, referring to paragaraph 81 of the report, said, with regard to article 15 (4) of the Constitution, that she would like to know what procedure would be employed. For example, she wondered whether a committee would examine a publication to determine whether it jeopardized the security of the State. With respect to article 15 (2) of the Constitution, she asked whether there was pre-censorship and whether there was a possibility of appeal.

74. Mr. ANDO asked whether licensing was still required in order to publish newspapers and, if so, what was the procedure.

75. Furthermore, he would like to know what formalities must be fulfilled by foreign correspondents in order to work in Jordan and whether they could move about the country freely. It was his understanding that the news agencies were State monopolies and he asked whether it was envisaged to set up private ones. Some television stations were State-owned and he would like to know whether any privatization plans were under consideration.

76. Mr. HAMMAD (Jordan) said that freedom of the press was fully guaranteed in Jordan. Foreign newspapers could be freely imported into his country and foreign correspondents had access to a wide range of information.

77. Jordanian citizens were completely free to express their views. Trade unions had organized symposia and meetings in order to ascertain the political views of all parties and movements.

The meeting rose at 5.55 p.m.